REMARKS

Claims 1-22, 24-31, 33-41, 43-46 and 48-54 remain pending in this application for consideration. Claims 1-22, 24-31, 33-41, 43-46 and 48-54 have been rejected under 35 U.S.C. § 103, and Applicant respectfully submits that these claims are allowable and requests reconsideration of the claim rejections for the reasons discussed below.

A. Rejection Under 35 U.S.C. § 103 (Beck and Inohara)

The Examiner has rejected claims 1, 14, 30, 37 and 41, 46 and 51 under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 6,026,371 to Beck et al. ("Beck") in view of U.S. Patent No. 6,182,111 to Inohara et al. ("Inohara"). Applicant respectfully submits that a prima facie case of obviousness for rejecting these claims has not been established in that the cited references do not alone or in combination disclose or suggest the claimed invention. See In re Bell, 26 U.S.P.Q. 2d 1529, 1531 (Fed. Cir. 1993)(quoting In re Rinehart, 189 U.S.P.Q. 143,147 (C.C.P.A. 1976)) (finding that the Patent and Trademark Office's burden of establishing a prima facie case of obviousness is not met unless "the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.").

Beck and Inohara do not alone or in combination disclose or suggest the transfer of staging content from a staging server to first and second (or a plurality of) production servers for publication at substantially the same time, as required by claims 1, 14, 30, 37 and 41, 46 and 51. The Examiner argues that although Beck does not explicitly teach "transferring content at the same time to more than one [production] server," Inohara provides this missing limitation This argument misses the mark. The claimed limitation is not the transfer of staging content from a staging server to a plurality of production servers at substantially the same time. Rather, the claims require the transfer of staging content from a staging server to a plurality of

production servers for publication at substantially the same time. Clearly, Beck does not disclose this limitation in that it merely discloses the exportation of an advertisement from a staging database to a single production database. Inohara also does not disclose this limitation. The portions of Inohara cited by the Examiner merely disclose the transfer of requests for URL content from a host server to other servers and/or the receipt at the host server of URL messages from other servers (wherein each of the URL messages is a list of specific URL contents that have been added to one of the other servers). Nowhere does Inohara disclose or suggest the transfer of any type of information (whether it be requests for URL content or URL messages) to a plurality of servers for publication at substantially the same time. Thus, claims 1, 14, 30, 37 and 41, 46 and 51 are clearly distinguishable from Beck and Inohara.

In addition, Beck and Inohara do not alone or in combination disclose or suggest replacing the staging content transferred to the plurality of production servers with prior production content for publication at substantially the same time in response to a rollback command, as required by claims 41 and 46. In fact, neither of these references teach any type of command (whether it be a "rollback command" or otherwise) that performs the function required by claims 41 and 46, namely, replacing staging content transferred to a plurality of production servers with prior production content for publication at substantially the same time. Thus, claims 41 and 46 are even further distinguishable from Beck and Inohara.

Because the Examiner has failed to meet his burden of establishing a prima facie case of obviousness, Applicant respectfully requests that claims 1, 14, 30, 37 and 41, 46 and 51 be allowed.

B. Rejection Under 35 U.S.C. § 103 (Butman and Reisman)

The Examiner has also rejected claims 1, 7, 13-16, 25, 33-34, 38, 41, 46 and 52 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,867,667 to Butman et al. ("Butman") in view of U.S. Patent No. 6,125,388 to Reisman ("Reisman"). Applicant respectfully submits that a prima facie case of obviousness for rejecting these claims has not been established in that the cited references do not alone or in combination disclose or suggest the claimed invention. See In re Bell, 26 U.S.P.Q. 2d 1529, 1531 (Fed. Cir. 1993)(quoting In re Rinehart, 189 U.S.P.Q. 143,147 (C.C.P.A. 1976)) (finding that the Patent and Trademark Office's burden of establishing a prima facie case of obviousness is not met unless "the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.").

Butman and Reisman do not alone or in combination disclose or suggest the transfer of staging content from a staging server to first and second (or a plurality of) production servers for publication at substantially the same time, as required by claims 1, 7, 13-16, 25, 33-34, 38, 41, 46 and 52. The Examiner argues that Butman teaches the claimed invention "except for explicitly teaching a scheduling system," and that Reisman provides this missing limitation. Again, this argument misses the mark. In Butman, a client side communications server is able to send information to other client side communications servers by communicating directly with an intermediate domain communications server. The information sent between client side communications servers through the domain communications server is not published at substantially the same time. The Reisman reference merely discloses an information transport component that can be used to automate the mass distribution of updates to a wide user base. It does not disclose the transfer of information to multiple production servers for publication at

substantially the same time. Thus, claims 1, 7, 13-16, 25, 33-34, 38, 41, 46 and 52 are clearly distinguishable from Butman and Reisman.

Because the Examiner has failed to meet his burden of establishing a prima facie case of obviousness, Applicant respectfully requests that claims 1, 7, 13-16, 25, 33-34, 38, 41, 46 and 52 be allowed.

C. Rejection Under 35 U.S.C. § 103 (Ferrel and Chang)

The Examiner has further rejected claims 1-22, 24-31, 33-41, 43-46 and 48-54 under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 6,199,082 to Ferrel et al. ("Ferrel") in view of U.S. Patent No. 6,134,582 to Chang et al. ("Chang"). Applicant respectfully submits that a prima facie case of obviousness for rejecting these claims has not been established in that the cited references do not alone or in combination disclose or suggest the claimed invention. See In re Bell, 26 U.S.P.Q. 2d 1529, 1531 (Fed. Cir. 1993)(quoting In re Rinehart, 189 U.S.P.Q. 143,147 (C.C.P.A. 1976)) (finding that the Patent and Trademark Office's burden of establishing a prima facie case of obviousness is not met unless "the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.").

Ferrel and Chang do not alone or in combination disclose or suggest the transfer of staging content from a staging server to first and second (or a plurality of) production servers for publication at substantially the same time, as required by claims 1-22, 24-31, 33-41, 43-46 and 48-54. The Examiner argues that Ferrel teaches the claimed invention "except for explicitly teaching a scheduling system," and that Chang provides this missing limitation. Yet again, this argument misses the mark. Ferrel discloses a multimedia publishing system that includes a server located at a public distribution point that stores the layout and content components of a publication. Importantly, the layout and content components of the publication are transferred to

a single public distribution point (i.e., a production server), at which point the components are separately available to end users surfing the Internet. The layout and content components of the publication are not, however, transferred to a plurality of production servers, let alone for publication at substantially the same time. As to the Chang reference, it merely discloses a system that allows an end user to schedule the download of data over the Internet. It does not disclose the transfer of information to multiple production servers for publication at substantially the same time. Thus, claims 1-22, 24-31, 33-41, 43-46 and 48-54 are clearly distinguishable from Ferrel and Chang.

In addition, Ferrel and Chang do not alone or in combination disclose or suggest replacing the staging content transferred to the plurality of production servers with prior production content for publication at substantially the same time in response to a rollback command, as required by claims 41, 43-46 and 48-50. In fact, neither of these references teach any type of command (whether it be a "rollback command" or otherwise) that replaces staging content transferred to a plurality of production servers with prior production content for publication at substantially the same time, as required by claims 41 and 46. Thus, claims 41, 43-46 and 48-50 are even further distinguishable from Ferrel and Chang.

Because the Examiner has failed to meet his burden of establishing a prima facie case of obviousness, Applicant respectfully requests that claims 1-22, 24-31, 33-41, 43-46 and 48-54 be allowed.

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In view of the foregoing remarks, it is respectfully submitted that the claims are in condition for allowance and eventual issuance, and such action is respectfully requested. Should

the Examiner have any further questions or comments that need be addressed in order to obtain allowance, he is invited to contact the undersigned attorney at the number listed below.

Acknowledgement of receipt is respectfully requested.

Respectfully submitted,

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